

KACHEMAK AREA COALITION INC. DBA

Citizens Concerned About Annexation

PO Box 1715 HOMER, AK 99603

June 14, 2001

Local Boundary Commission
550 West 7th Avenue, Suite 1770
Anchorage, AK 99501

Dear Commissioners;

CCAA would like to comment on your proposed changes to the regulations concerning boundary changes.

With the notable exception of section .425, the proposed changes will have the effect of reducing public input. Boundary changes are not solely a concern of the various levels of government involved, they also are a significant concern of the people affected. You should be encouraging and assisting their involvement in the process, not throwing up roadblocks.

These standards are written to provide maximum flexibility for you to decide anything you want. This is wrong; it violates the very foundation of democracy for a small handful of appointees to make decisions about local government without the consent of the governed. The standards need to be changed to protect individual rights and the rights of property owners, especially for annexations.

For sections .035, .065, .135, .195, "BEST INTERESTS OF STATE", we are concerned about how you define "state". Is it the best interests of the state government? That would be socialism at it's worst, and is not to be tolerated. Is the "state" the people of the state? If so, the standards need to reflect a concern for what people want, not what someone else thinks they need. The people themselves are in the best position to determine what is best for them, which is why a vote is necessary for any and all boundary changes. Under relevant factors, (1) "self-government" can only be obtained when the governed give their consent. Any government imposed without consent is tyranny, and local tyranny is often the worst. Factor (2) was intended to eliminate overlapping taxing jurisdictions, it means few layers of local government. Limiting the number of overall units that can exist side-by-side is in direct conflict with the desire to be as local as possible. Factors (3) and (4) imply that the state's interest in local government boundaries has solely to do with it's budget, and that these decisions will be based on what's best for the government instead of what's best for the people. This is absolutely the wrong way around!

In section .090, (a) it would seem logical to consider the degree of urbanization when deciding the need for city government. "anticipated conditions" is pretty vague? Even worse is #6, which would seem to justify Anchorage's annexing the entire state. This can be read as "reasonably expected to receive indirect benefits from living near a city". That covers everyone who lives within driving distance of any city! What is not being taken into account is the benefits a city receives from having people live within driving distance. It's a two-way street, with the outwellers spending money in the city, and in many cases paying sales taxes. The outsiders often do volunteer work in the city, or work for the city. And they do not demand a lot of services in return. Once the people outside the city limits decide they are ready for full city services, they are likely to be ready to agree to be annexed in exchange for the services.

The changes to section .140 are terrible! It would be better to leave this one alone, although there is room for improvement. Legislative Review is a method that should be reserved for rare circumstances, if allowed at all, not used routinely. It is only suitable if there is no way to hold a vote AND serious harm will result if the annexation does not take place. People have a right to decide for themselves when they are ready for city government. Number 8 in particular basically gives you carte blanche to come up with any old excuse to allow a city to trample on people's basic rights and freedoms, we are adamantly opposed to this!!

For part (4) of .150, we would like to see this be a separate vote. Certainly the citizens of the annexing city deserve a say as well, perhaps they should vote before a petition could be submitted. But if only a few people are being annexed their vote gets swallowed up by the city residents' votes, which is not fair.

CCAA's comments
pg. 2

Section .425 is a good idea, we wish it had been in place before Homer started their annexation attempt. It does need to have some way of requiring the city to take public comments into account when finalizing their petition. Otherwise a city could go through the motions and still totally ignore public opinion.

Section .480, (a) seems to disallow ad-hoc citizens groups. If you want people to band together and submit one responsive brief instead of many individual ones this is likely to have the opposite effect. Respondents should not face many restrictions that petitioners do not face, and the petitioner can be a group of voters. Also under this section, the requirement for 5 copies is excessive. This is where you should be assisting respondents not discouraging them! There is no need to require 5 copies when you have copy machines. Any large item (such as a colored map) that is difficult for you to copy will likely be even more difficult for a respondent to copy. The digital copy is likewise a burden, we suggest this be optional until more people are technologically ready for it.

In section .480, (d) it appears you are doing away with email comments. At the same time you want commenters to provide a copy to the city, a request that is likely to discourage some people from commenting. If email is allowed, it takes little effort to cc the city, and will have less deterrent effect on commenting than requiring the extra effort of photocopying and mailing or delivering a copy. This extra effort seems unnecessary.

Section .550, (e) would require both sides to provide a list of witnesses. This is a mixed blessing: while there is value in each side knowing who the other is going to call, it also makes last minute changes difficult. Knowledge of who the opposing witnesses will be also could lead to intimidation or bribery attempts. It might well be better to leave things as they are.

We are appalled by section .560, (c), potentially restricting the time for respondents to speak! Your desire to do things quickly should not override the need to do things fairly and thoroughly. This would be a travesty of justice, unless you equally restrict the petitioners speaking time.

Your standards and regulations treat the whole issue of local government boundaries as strictly a government issue. But these questions greatly affect people, and the affected people have every right to have a say in the matter. More attention needs to be paid to the public's right to make the decisions that affect them. Government cannot last without the consent of the governed. In order to give their consent people have a right to vote, whether you like the results or not,

Sincerely,

Pete Roberts, President

A handwritten signature in black ink, appearing to read "Pete Roberts", with a long, sweeping horizontal line extending to the right.